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*Attorneys for Plaintiffs Sarah Simmons, Aaron McAllister,
ROI-IT, LLC and all others similarly situated*

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEVADA**

SARAH SIMMONS, an individual; AARON MCALLISTER, an individual; ROI-IT, LLC, a Nevada limited liability company on behalf of themselves and all others similarly situated,

Plaintiffs,

V.

CACHET FINANCIAL SERVICES, a California corporation; FINANCIAL BUSINESS GROUP HOLDINGS, a California corporation; MYPAYROLLHR LLC, a Delaware limited liability company; CLOUD PAYROLL, LLC, a Delaware limited liability company; VALUEWISE CORP., a Delaware corporation; MICHAEL MANN, an individual; NATIONAL PAYMENT CORPORATION, a Florida corporation,

Defendants.

Case No. 2:19-cv-01624-GMN-VCF

**PLAINTIFFS' SARAH SIMMONS,
AARON MCALLISTER AND ROI-IT,
LLC'S MOTION TO HAVE COUNSEL
APPEAR TELEPHONICALLY**

1 On Tuesday, October 15, 2019, the Court scheduled a hearing on Defendant Cachet
2 Financial Services ("Cachet") and Financial Business Group Holdings' ("FBG") (together,
3 "Defendants") Emergency Motion to Extend the Deadline to Respond to the Complaint. (ECF No.
4 11.) The hearing is currently scheduled for 11:00 a.m. Friday, October 25, 2019, in Courtroom 3D.
5 Friday, October 25, 2019 is Nevada Day, which is a state holiday.

6 Plaintiffs Sarah Simmons, Aaron McAllister, ROI-IT, LLC and all others similarly situated
7 (together, "Plaintiffs") hereby request that their counsel, Lawrence J. Semenza, III, ("Mr. Semenza")
8 be given permission to appear telephonically at the hearing or, alternatively, that the Court reschedule
9 the hearing to the next available date convenient to the Court's calendar.

10 In support of their request, Plaintiffs state the following:

11 1. On October 25, 2019, Mr. Semenza is scheduled to be in Northern Alabama for a
12 short family vacation. He is intending to leave Las Vegas on Thursday, October 24, 2019 and return
13 on Sunday, October 27, 2019. Jarrod Rickard and Christopher Kircher, the other partners of
14 Plaintiffs' counsel's law firm, are also intending to be out of the jurisdiction on the day of the
15 scheduled hearing.

16 2. Based on the foregoing, Plaintiffs respectfully request the Court grant Plaintiffs'
17 Motion to Have Counsel Appear Telephonically at the October 25, 2019 hearing or, alternatively, to
18 reschedule the hearing to the next available date.

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1 3. If the Court grants Plaintiff's request to appear telephonically, unless otherwise
2 instructed, Mr. Semenza will call Court chambers on the date and time of the currently scheduled
3 hearing. He may also be reached directly at (702) 612-9813.

4 DATED this 18th day of October, 2019

5 SEmenza Kircher Rickard

6 The call-in telephone number is
7 (888)273-3658, access code: 3912597. The
8 call must be made five
9 minutes prior to the hearing time. The court
10 will join the call and convene the
proceedings. The call must
11 be made on a land line. The use of a cell
phone or speaker phone during the
proceedings is prohibited.

/s/ *Lawrence J. Semenza, III*

Lawrence J. Semenza, III, Esq., Bar No. 7174
Christopher D. Kircher, Esq., Bar No. 11176
Jarrod L. Rickard, Esq., Bar No. 10203
Katie L. Cannata, Esq. Bar No. 14848
10161 Park Run Drive, Ste. 150
Las Vegas, Nevada 89145

12 Attorneys for Plaintiffs Sarah Simmons, Aaron Mc
13 Allister, ROI-IT, LLC and all others similarly
14 situated

15 IT IS SO ORDERED.



16 _____
17 UNITED STATES MAGISTRATE JUDGE
18 DATED: 10-18-2019

CERTIFICATE OF SERVICE

I am employed by the law firm of Semenza Kircher Rickard in Clark County, Nevada. I am over the age of 18 and not a party to this action. The business address is 10161 Park Run Drive, Suite 150, Las Vegas, Nevada 89145.

On the 18th day of October 2019, I served the document(s), described as:

**PLAINTIFFS' SARAH SIMMONS, AARON MCALLISTER AND ROI-IT, LLC'S
MOTION TO HAVE COUNSEL APPEAR TELEPHONICALLY**

by sending an original a true copy

a. via **CM/ECF System** (*You must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary*)

MCNUTT LAW FIRM, P.C.

Daniel R McNutt - drm@mcnuttlawfirm.com, lah@mcnuttlawfirm.com, mcw@mcnuttlawfirm.com, trey@mcnuttlawfirm.com

Attorneys for Defendants Cachet Financial Services and Financial Business Group Holdings

b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Semenza Kircher Rickard's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day, which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

c. BY PERSONAL SERVICE.

d. **BY DIRECT EMAIL.**

e. BY FACSIMILE TRANSMISSION.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Olivia A. Kelly
An Employee of Semenza Kircher Rickard